



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

FEB 4 2009

Mr. Craig Haynes
Alaska Production Manager
Joint Interest U.S.
ExxonMobil Production Company
P.O. Box 196601
Anchorage, Alaska 99519

Dear Mr. Haymes:

This responds to your September 15, 2008 and January 14, 2009, requests for Letters of Authorization (LOA) for the incidental take of polar bears and Pacific walrus in regards to the ExxonMobil Production Company (Exxon) 2009 Point Thomson Drilling and Area Remediation Program.

Enclosed is a LOA (09-16) that would allow Exxon to take small numbers of polar bears and Pacific walrus incidental to oil and gas industry exploration activities identified in your LOA request. Exxon proposes to drill exploratory wells from Point Thomson Unit #3, the existing gravel pad used for the N. Staines River No.1, and an ice pad west of the PTU 3 pad. The Point Thomson Drilling Program includes the mobilization, drilling, and demobilization of one drilling rig to support exploration activities. In addition, Exxon intends to conduct inspection and remedial actions at nine former exploratory well sites in the Point Thomson area. The proposed start date for this project is January 2009.

If any changes develop in your project during the 2009 project season, such as barge schedules or traffic, activities or location, please notify the Marine Mammals Management Office prior to the planned operation. This would allow us to evaluate the activity and, if appropriate, amend your LOA.

In addition to protection measures for marine mammals described in the Exxon polar bear interaction plan (Polar Bear and Wildlife Interaction Plan, Point Thomson Drilling Program, North Slope, Alaska, September 15), the U.S. Fish and Wildlife Service (Service) believes that Exxon personnel can limit human/polar bear interactions by being observant of approaching animals (i.e., the use of marine mammal observers) and breaking off interactions, if practicable, by allowing the animals to continue their travel. Service biologists are available for consultation if questions or concerns arise regarding polar bears and walrus during the project period at the phone numbers listed below and noted in your interaction plan.

TAKE PRIDE
IN AMERICA 

In cooperation with Exxon, an aerial FLIR (Forward Looking Infrared Radar) survey was conducted on December 8 and 10, 2008, along the coastline within the Point Thomson travel corridor right-of-way (Endicott Causeway to Point Thomson Unit #3) to investigate polar bear den sites. (See enclosed BPXA report: FLIR Survey for Maternal Polar bear Denning Habitat, December 2008 – January 2009). One polar bear den was identified on Foggy Island and is within the Point Thomson travel corridor right-of-way. A one-mile exclusion zone will be implemented around the known polar bear den on Foggy Island (see Figure 1) to minimize any potential impact of any industrial activities. No other bears dens were observed on the Point Thomson travel corridor. In addition, on January 29, 2009, the Service became aware of information from USGS telemetry flights that indicated there is a radio-collared bear den site on the north end of Foggy Island within approximately 250 – 300 m of the ice road to Point Thomson (see Figure 1). We are currently discussing with Exxon and other companies how to mitigate industrial activities in the vicinity of this bear den.

Furthermore, in accordance with section 7 of the Endangered Species Act of 1973, as amended (ESA), issuance of this LOA also fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described herein. In the "Programmatic Biological Opinion for Polar Bears (*Ursus maritimus*) on Beaufort Sea Incidental Take Regulations" (June 2008; Tier 1 BO), the Service determined that the total take anticipated as a result of the issuance of the Regulations is not likely to result in jeopardy to the polar bear, in accordance with section 7 of the ESA. In order for the Tier 2 BO to be consistent with the "no jeopardy" conclusion of the Tier 1 BO and for an ESA incidental take statement (ITS) to be provided: (1) the proposed activity must provide the required information, as described in §18.124 of the Regulations, (2) the LOA must include any mitigation measures that the Marine Mammals Management Office (MMM) believes appropriate for the specific activity and location, as described in §18.128 of the Regulations, and (3) the MMM must determine that the incidental take for the specific activity will be consistent with the negligible impact finding for the total take allowed under the Regulations.

Reasonable and prudent mitigation measures, as well as implementing terms and conditions were included for MMM in the Tier 1 BO and have been incorporated into the LOA process. Issuance of this ITS with the LOA completes ESA requirements for authorization of incidental take of the polar bear. Compliance with the terms and conditions of this LOA insures that the LOA holder is also in compliance with the ESA.

An additional requirement of this LOA is to provide observational data of polar bears throughout the project and a complete report of all observations at the conclusion of the project to document take. This final report will be provided to the MMM. This report meets the tracking and reporting requirements relative to the documentation of take as required by the MMPA and the ESA.

Mr. Craig Haynes

3

This authorization is issued in accordance with Service regulations listed at 71 FR 43926, dated August 2, 2006. Should you have any further questions contact Mr. Craig Perham of our Marine Mammals Management Office, at (907) 786-3800 or 786-3810.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosa Meehan". The signature is fluid and cursive, with the first name "Rosa" and last name "Meehan" clearly distinguishable.

Rosa Meehan, Ph.D.

Chief, Marine Mammals Management

Enclosures

cc: Mr. Rob Dragnich, ExxonMobil Production Company
Mr. Mike Barker, ExxonMobil Production Company
Mr. Richard Shideler, ADF&G
Fairbanks Fish and Wildlife Field Office (FFWFO)
USFWS Office of Law Enforcement (OLE)

The first of these is the fact that the
the first of these is the fact that the
the first of these is the fact that the



The second of these is the fact that the
the second of these is the fact that the
the second of these is the fact that the



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



AFES/MMM

ISSUED: January 30, 2009
EXPIRES: January 30, 2010

LETTER OF AUTHORIZATION (09-16)

ExxonMobil Production Company (Exxon) is hereby authorized to take small numbers of polar bears and Pacific walruses incidental to activities occurring during the 2009 Point Thomson Drilling and Area Remediation Program. A detailed description of the authorized activities can be found in the, "Plan of Operations, Point Thomson Drilling Program, North Slope, Alaska," dated July 9, 2008; and "Project Description Point Thomson Area Remediation Program," dated December 30, 2008.

This authorization and the required conditions below apply to contractors of Exxon performing Exxon-approved work under the scope of operations identified in the Point Thomson Drilling Plan. Exxon proposes to drill exploratory wells from Point Thomson Unit #3, the existing gravel pad used for the N. Staines river No.1, and an ice pad west of the PTU 3 pad. The Point Thomson Drilling Program includes the mobilization, drilling, and demobilization of one drilling rig to support exploration activities. In addition, Exxon intends to conduct inspection and remedial actions at nine former exploratory well sites in the Point Thomson area. The proposed start date for this project is January 2009.

This authorization is subject to the following conditions:

1. The Operations Manager will be fully aware, understand and capable of implementing the conditions of this authorization.
2. This Authorization is valid only for activities (including support vessels and aircraft) associated with Exxon's 2009 Point Thomson Drilling and Area Remediation Program, as specified in Exxon's September 15, 2008 and January 14, 2009 applications.
3. The Polar Bear Interaction Plan (Polar Bear and Wildlife Interaction Plan, Point Thomson Drilling Program, North Slope, Alaska, September 15,) is hereby approved, and all provisions

TAKE PRIDE
IN AMERICA 

unless specifically noted are incorporated into this authorization by reference. A copy of this polar bear interaction plan must be available on site for all personnel.

4. Intentional take is prohibited under this authorization.

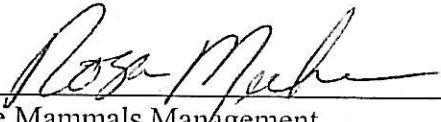
5. Polar bear monitoring, reporting, and survey activities will be conducted in accordance with 50 CFR 18, section 18.128. The basic monitoring and reporting requirements follow:

- Exxon must cooperate with the Service, and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
- Exxon must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service within 12 hours of discovery. Should occupied dens be identified within one mile of activities, work within a one-mile area will cease and the Service must be contacted for guidance. The Service will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and Exxon must comply with any additional measures specified.
- Exxon must designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears to the Service within 24 hours of visual observation. Evidence of polar bears, such as tracks, carcass, or dens, will also be reported;
- Exxon must allow the Fish and Wildlife Service to allow an observer on the site to monitor the impacts of the activity on polar bears, at the discretion of the Fish and Wildlife Service;
- Exxon must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received up to 90 days after the expiration date of the LOA.

6. Per the "Programmatic Biological Opinion for the Beaufort Sea Incidental Take Regulations for Polar Bear (June 2008)", your request also triggers the second of the two-tiered programmatic process. In order for incidental take of the polar bear to be exempted from the prohibitions of the ESA, the LOA also serves as an "Incidental Take Statement" (ITS), required

under section 7 of the Endangered Species Act of 1973 (ESA). Issuance of the LOA/ITS fulfills the requirements for Tier 2 Consultation of the Programmatic Biological Opinion for the activities described in this letter.

7. This authorization expires January 30, 2010.



Chief, Marine Mammals Management

FEB 4 2009

Date

